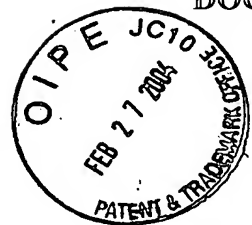


DOCKET NO.: BRAG-0002

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

James R. Braig

Application No.: 10/718,075

Filing Date: November 20, 2003

For: METHOD AND APPARATUS FOR ESTIMATION OF RESTING  
RESPIRATORY

Confirmation No.:

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

DATE OF DEPOSIT:

2/25/04

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*Michael P. Dunnam*

TYPED NAME: Michael P. Dunnam  
REGISTRATION NO.: 32,611

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- ☒ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of

the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

☐ In accordance with § 1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Certification in Accordance with § 1.97(e) is attached; or

☐ The fee of **\$180.00** as set forth in § 1.17(p) is attached.

☐ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:

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or

☐ The fee of **\$180.00** as set forth in § 1.17(p) is attached.

☐ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of **\$180.00** as set forth in § 1.17(p).

- ☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☒ Copies of references listed on the attached Form PTO-1449 are enclosed herewith
- ☒ Copies of references listed on the attached Form PTO 1449 are not required to be submitted pursuant to the June 30, 2003 recent revisions to 37 CFR § 1.98(a)(2)(i).

## EXCEPT THAT:

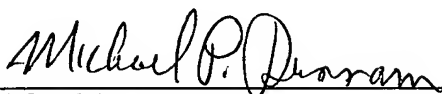
- ☒ In view of the voluminous nature of references **2 and 5**, and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☐ In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application:
- ☐ Copies of references [list as appropriate] listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior Application No.

, filed .

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

☒ There are no listed references which are not in the English language.

Date: 2/25/04

  
**Michael P. Dunnam**  
Registration No. 32,611

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Sheet 1 of 2

<b>Form PTO-1449 Modified</b>  List of Patent and Publications Cited by Applicant (Use several sheets if necessary)  U.S. Department of Commerce Patent and Trademark Office	Docket No. <b>BRAG-0002</b>	Application No. <b>10/718,075</b>
	Applicant <b>James R. Braig</b>	
	Filing Date <b>November 20, 2003</b>	Group <b>Not Yet Assigned</b>
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>		
	<b>1</b>	Feurer, I. et al., "Beside Measurement of Resting Energy Expenditure and Respiratory Quotient via Indirect Calorimetry", <i>Nutrition in Clinical Practice</i> , <b>February, 1986</b> , 1, 43-49
*	<b>2</b>	K. Wasserman, "Measured with Laboratory Equipment", <i>Principles of Exercise Testing and Interpretation</i> , <b>1999</b> , 3 <sup>rd</sup> Edition, Lippincott
	<b>3</b>	Matarese, L.E., "Indirect Calorimetry: Technical Aspects", <i>J. Am. Diet. Assoc.</i> , <b>1997</b> , 97(2), Pages S154-S160
	<b>4</b>	McClave, S.A. et al., "Use of Indirect Calorimetry in Clinical Nutrition", <i>Nutrition in Clinical Practice</i> , <b>October 1992</b> , 7, 207-221
*	<b>5</b>	Schwartz, D., <i>Resting Energy Expenditure</i> , <b>1998</b>
<b>EXAMINER</b>		<b>DATE CONSIDERED</b>

\* A copy of this reference will not be forwarded to the U.S. Patent and Trademark Office since it is believed to be too voluminous and easily obtainable by the Examnier

<b>Form PTO-1449 Modified</b>  List of Patent and Publications Cited by Applicant (Use several sheets if necessary)  U.S. Department of Commerce Patent and Trademark Office	Docket No. <b>BRAG-0002</b>	Application No. <b>10/718,075</b>
	Applicant <b>James R. Braig</b>	
	Filing Date <b>November 20, 2003</b>	Group <b>Not Yet Assigned</b>

### U. S. PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Name	Class	Subclass
	6	4,197,857	04/15/80	Osborn	600	531
	7	5,095,913	03/17/92	Yelderman, et al.	600	532
	8	5,282,473	02/01/94	Braig, et al.	600	532
	9	5,705,735	01/06/98	Acorn	73	23.3
	10	6,263,722	07/24/01	Fabinski, et al.	73	25.02
	11	6,468,222	10/22/02	Mault	600	531
	12	6,478,736	11/12/02	Mault	600	300
	13	6,572,561	06/03/03	Mault	600	532

### FOREIGN PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Country	Translation	
					YES	NO

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
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